

ORDERED.

Dated: November 17, 2021


Caryl E. Delano
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Case No. 2:18-bk-07748-FMD
Chapter 13

Cotrenia Sharman Davenport-Hood

Debtor.

**ORDER GRANTING DEBTOR'S
AMENDED MOTION TO MODIFY CONFIRMED PLAN**

THIS CASE came on for a hearing on November 4, 2021 pursuant to Debtor's Amended Motion to Modify Confirmed Plan (Doc. No. 108). Accordingly it is

ORDERED:

1. The Debtor's Amended Motion to Modify Confirmed Plan (Doc. No. 108) is hereby **GRANTED** to the extent provided herein.

2. Page 2 paragraph 2 of the Order Confirming Plan (Doc. No. 70) entered on January 29, 2020, is hereby stricken and the following is substituted in lieu thereof:

Payments by Debtor as set forth in the attached Exhibit "A," incorporated herein by reference, shall be made each month by Trustee-approved electronic transfer, money order or cashier's check for **84** consecutive months commencing on October 13, 2018 to the Chapter 13 Standing Trustee, Jon M. Waage, P.O. Box 260, Memphis, TN 38101-0260. Nevertheless, if

Trustee has insufficient monies to make distribution pursuant to this Order, or any other Court order, the payments may be adjusted during the life of the Plan without further order of this Court.

3. Pages 9 & 10 of the Order Confirming Plan (Doc. No. 70) as to Exhibit

“A” entered on January 29, 2020 is hereby stricken and the following is substituted in lieu thereof:

Cotrenia Sharman Davenport-Hood
Case No. 2:18-bk-07748-FMD

EXHIBIT A

TOTAL MONTHLY AMOUNT TO BE PAID TO THE CHAPTER 13 TRUSTEE:

Starting	10/13/18	\$2,855.00	for 33 Months
	07/13/21	\$ 0.00	for 3 Months
	10/13/21	\$3,341.00	for 1 Month
	11/13/21	\$3,427.00	for 47 Months

Total Plan Length **84** Months

Unless otherwise consented to in writing by the Chapter 13 Trustee or by subsequent court order, in addition to the plan payments set forth above, the Debtor shall turn over to the Trustee all tax refunds beginning with the tax year 2018 and each tax year thereafter during the term of the Plan. Said refunds must immediately (upon receipt of) be turned over to the Chapter 13 Trustee, in a certified check or money order (Debtor should not sign their IRS Refund Check and send it to the Trustee. All money sent to the Trustee needs to be in the form of a certified check or money order) made payable to Jon M. Waage, Chapter 13 Trustee, with complete information as to what tax year the refund represents and sent to our payment address, at PO Box 260, Memphis TN 38101-0260. Additionally, the Debtor must provide complete copies of all tax returns to the Trustee's office no later than April 15th of each year for the preceding year's taxes.

The collateral subject to (Claim No. 4-2) filed by Suncoast Credit Union is hereby surrendered.

CLAIM # ALLOWED CLAIM FOR ATTORNEY FEES:

N/A David Lampley, Esquire \$ 2,500.00 **Total**
 (\$4,500.00 - \$2,000.00 = \$2,500.00 through the plan)

ATTORNEY MONITORING FEE:

N/A David Lampley, Esquire \$ 50.00 **Monthly**

(Paid at \$0.00 per month for months (1) thru (15); then \$50.00 per month for months (16) through (84)
 Note: Monitoring fee ends when the plan completes)

ALLOWED PRIORITY CLAIM(S):

1-4 Internal Revenue Service \$ 2,259.84 **Total**

***The Internal Revenue Service is authorized to exercise its right to set off against any pre-petition tax obligation of the Debtor.**

ALLOWED SECURED CLAIM(S) RECEIVING MONTHLY ADEQUATE PROTECTION PAYMENTS:

7-1 Paramount Residential Mortgage Group, Inc. \$ 27,033.87 **Total**
 (Total previously disbursed)

7-1 Paramount Residential Mortgage Group, Inc. \$ 2,652.00 **Monthly**
 (\$2,553.00 x 1)(\$2,521.00 x 17)(\$2,652.00 x 54)

MINIMUM DISTRIBUTION ON ALLOWED GENERAL UNSECURED CLAIM(S)

\$ 7,070.00 **Total**

**** (This amount represents the minimum amount needed to meet the 7/13 liquidation requirement).**

The following unsecured claims are allowed:

<u>1-4</u>	Internal Revenue Service	\$ <u>57,893.12</u>
<u>2-1</u>	Navient Solutions Inc.	\$ <u>1,507.91</u>
<u>3-1</u>	Southwest Florida Emergency Management	\$ <u>1,219.03</u>
<u>4-2</u>	Suncoast Credit Union	\$ <u>11,005.37</u>
<u>5-1</u>	Patrick Neale & Associates	\$ <u>4,221.56</u>
<u>6-1</u>	Ashley Funding Services/Laboratory Corporation	\$ <u>22.24</u>
<u>8-1</u>	NCH Healthcare Systems	\$ <u>3,127.68</u>
<u>9-1</u>	US Department of Education	\$ <u>98,208.14</u>

ORDER OF DISTRIBUTION:

1. Adequate protection over life of plan or until creditor is paid in full and allowed Attorney's Fees and Administrative Expenses
2. Secured Balance plus interest over the life of the plan or as otherwise specified.
3. Domestic Support Obligations under \$500.00
4. Small Secured creditors-Under \$500.00 in balance.
5. Domestic Support Obligations over \$500.00
6. Arrearages
7. Other Priority Creditors and Pro-Rata Distribution to Unsecured Creditors

4. This Court's Order Confirming Plan (Doc. No. 70) entered on January 29, 2020 is modified to the extent provided herein and shall in all other respects remain in full force and effect.

Attorney, David W. Fineman, Esquire, is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within 3 days of entry of the order.

JMW/KRM/ss

C13T 11/08/21